

**Ambassador King's Opening Remarks Before  
the UN Committee on the Rights of the Child  
Concerning U.S. Implementation of the  
Optional Protocols to the Convention on the Rights of the Child  
January 16, 2013**

Thank you Madam Chair. I am Ambassador Betty King, the Permanent Representative of the United States of America to the United Nations and Other International Organizations in Geneva.

I have the honor and the privilege to be the first speaker to address the Committee on the Rights of the Child on behalf of the United States. Our country is proud to participate in today's meetings. This participation is consistent with the Obama Administration's commitment to engage with the United Nations and to advance the ideals upon which the UN was founded, notably including respect for human rights. The United States continually strives to further the protection of human rights, both at home as we work to achieve what our Constitution calls "a more perfect Union," and around the world.

Furthermore, the United States cares deeply about the particular aspect of human rights that is this Committee's focus: the protection of children and their rights. As the most vulnerable members of our society and as the embodiment of our future, children deserve protection against all forms of abuse and exploitation. We deeply

appreciate the efforts your Committee has made in support of international action to address such horrific activities.

We look forward to engaging in a dialogue with you about our nation's extensive work to protect children. For this purpose, the United States has brought a distinguished and wide-ranging delegation to Geneva. I am joined on this podium by our head of delegation: the Honorable Harold Hongju Koh, the Legal Adviser to the U.S. Department of State. I am also proud to be joined at the podium by Ambassador Luis CdeBaca, the Director of the State Department's Office to Monitor and Combat Trafficking in Persons and the chair of the Senior Policy Operating Group on Trafficking in Persons, a U.S. inter-agency coordinating group, as well as Anne Gannon, the Department of Justice's National Coordinator for Child Exploitation, Prevention, and Interdiction.

Also on our delegation are two state Attorneys General – the Honorable Gary K. King of New Mexico and the Honorable Catherine Cortez Masto of Nevada. We are fortunate to have with us the following members of federal agencies: Alice Hill, Senior Counselor from the U.S. Department of Homeland Security; the Honorable Kevin Washburn, Assistant Secretary for Indian Affairs at the Department of the Interior and William Lietzau, Deputy Assistant Secretary of the

U.S. Department of Defense; and. Other members of our delegation represent the Departments of State, Defense, and Homeland Security, and Interior.

I will now turn to Legal Adviser Koh. Thank you.

**Opening Remarks of Legal Adviser Harold Hongju Koh  
the United Nations' Committee on the Rights of the Child  
Concerning the Optional Protocols to the  
Convention on the Rights of the Child**

**Geneva, Switzerland**

January 16, 2013

Thank you, Madame Ambassador.

I am Harold Hongju Koh, Legal Adviser of the U.S. Department of State. On behalf of the United States and outgoing Secretary of State Hillary Rodham Clinton, it is my honor and privilege to address the Committee on the Rights of the Child and to have this chance to present the first human rights periodic treaty reports of the Obama Administration.

As Ambassador King stated, the United States strives for a “more perfect union” to help promote a “more perfect world.” The United States is very proud of its human rights record but at the same time recognizes that we have more to do. I served as Assistant Secretary of State for Democracy, Human Rights and Labor when the United States participated in negotiations of the Optional Protocols over twelve years ago and was pleased to see the US ratify them in 2002. As our detailed reports and presentation testify, the United States takes its human rights obligations, commitments, and dialogue with this Committee extremely seriously.

We have found the process of review and reflection with respect to the Optional Protocols very helpful as we consider how to redouble our efforts to protect children in the United States. We appreciate this opportunity for dialogue with your Committee to hear your views on how we are implementing our treaty obligations, as well as related policy recommendations for strengthening our protection of children.

The United States government has also valued the opportunity for an ongoing and robust dialogue with members of U.S. civil society. Before I became Legal Adviser four years ago, I worked as a human rights lawyer. I expect soon to return to civil society to continue that work. Our country believes that bringing civil society members into government positions helps to enrich the dynamic and dialogue between government and civil society.

For the United States, our obligations under these Optional Protocols are not just paper commitments. Both President Obama and Secretary Clinton have repeatedly stated their unequivocal dedication to the protection of innocent children in every setting. Secretary Clinton in particular has worked on these issues her entire career, which started with her work as a young lawyer at the Children's Defense Fund in the United States.<sup>1</sup> The President and Secretary are represented

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<sup>1</sup> See Hillary Rodham, *Children Under the Law*, 43 Harv. Educ. Rev. 487 (1973).

here by the senior-level expert U.S. national delegation that appears before you today. Appearing with me are representatives of the four federal agencies that are most actively involved in implementing the U.S. laws and programs that give life and effect to our obligations under the Optional Protocols. Many other U.S. government agencies also actively participated in drafting our reports and responding to the Committee's questions. Because the protection of children must be pursued at the state and local level, we are honored for the first time to bring to a U.S. Government human rights treaty presentation not one, but two Attorneys General from our fifty States to discuss their states' efforts to combat child exploitation.

The United States is a government of laws and not individuals. So we take pride that our numerous protections for children are not just personal commitments, but ones enshrined in U.S. laws and policies. In the United States, an extensive network of Constitutional, federal, state, and local laws create a framework to protect children from the types of exploitation the Optional Protocols are designed to stop. Federal, state, and local programs and policies work together to create a nurturing environment where children can grow and develop.

The broad and comprehensive legal framework within the United States to implement the Optional Protocols described in the U.S. Initial Reports, presented

five years ago, remains in place. These Second Periodic reports update our Initial Reports on major relevant developments, including new laws, judicial decisions, policies, and programs that expand protections in various areas.

Let me address “the elephant in the room:” that we have signed but are not yet party to the Convention on the Rights of the Child. In my personal capacity, I have been on the record for two decades as saying that I deeply regret our remaining outside this important treaty and that I hope my country will soon correct this omission. As we have noted in response to relevant UPR recommendations, this Administration supports the treaty’s goals and intends to review how we can finally move it towards ratification.

At the same time, this Committee should not confuse our non-ratification with any lack of commitment to protecting children. While we have not yet ratified the CRC, few other countries have adopted as many laws, policies, and programs designed to protect the rights of the child. During the negotiation of the Optional Protocols in the late 1990s, some colleagues here in Geneva asked whether the United States should be able to ratify these Optional Protocols without having already ratified the Convention itself. We answered that some nations take an attitude of “ratification before compliance” with regard to international treaties. But the United States tends toward “compliance before ratification.” By ratifying these specialized protocols first and engaging with this Committee with respect to

these important issues over time, we have greatly increased our country's familiarity with this treaty and Committee and have brought closer the day when the United States could ratify the Convention itself.

Throughout today, you will hear from members of our team confirming our dedicated efforts related to both Protocols. This morning, my colleague, Ambassador Luis CdeBaca, Director of the Department of State's Office to Monitor and Combat Trafficking in Persons, will address U.S. efforts related to the Optional Protocol on the sale of children, child prostitution, and child pornography. Our approach to combating trafficking focuses on three P's, prosecution, protection, and prevention: punishing perpetrators, protecting victims, and preventing patterns of trafficking. There is a fourth P: partnership with state and local government and Indian tribes as well as civil society.

This afternoon, we will describe three themes that drive our work regarding the Optional Protocol on the involvement of children in armed conflict. First, the United States does not send children to fight. We are proud to have an all-volunteer force in the United States—no one of any age can be forcibly recruited into the U.S. Armed Forces—and no individual under the age of 18 can take a direct part in hostilities. Moreover, we respect our obligation not to recruit, in any event, those under the age of 17. We go to great lengths to ensure compliance with all of our obligations under the Protocol, and we exceed its requirements in



many respects. Second, we are great supporters of the Protocols and this process of treaty review. We became party to these Protocols in 2002 with bipartisan support, and we have actively sought to participate in this process in a frequent and timely manner. Third, in our efforts abroad, we again take a three-part approach: prevention, mitigation, and rehabilitation. Around the world, the United States seeks to prevent and mitigate the harms resulting from the involvement of children in armed conflict and to support rehabilitation programs.

Let no one doubt: the United States abhors the unlawful use of children in armed conflict and supports the prosecution of ruthless war criminals, like Joseph Kony, who engage in such grotesque practices. Such brutal practices steal from children their youth and show them horrific violence that no child should experience. All too often, children who have been so tragically abused become adults who replicate these abuses without mercy.

We deeply appreciate the efforts this Committee has made to advance the international community's response in combating the exploitation of children, through trafficking and in armed conflict. On behalf of my country and my delegation, I look forward to our discussions with you. And with that, let me give the microphone to Ambassador CdeBaca.

**Opening Remarks of Legal Adviser Harold Hongju Koh  
the United Nations' Committee on the Rights of the Child  
Concerning the Optional Protocols to the  
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**Geneva, Switzerland**

**January 16, 2013**

**AMBASSADOR-AT-LARGE LUIS CdeBACA**

**OPENING REMARKS  
U.N. COMMITTEE ON THE RIGHTS OF THE CHILD  
GENEVA, SWITZERLAND  
JANUARY 16, 2013**

Good morning. On behalf of the U.S. delegation, I would also like to join Mr. Koh in thanking the UN Committee on the Rights of the Child for the opportunity to discuss the U.S. government's latest efforts to prevent and combat the sale of children, child prostitution and child pornography. As you heard we are pleased to have representatives from five federal agencies and two states as part of our delegation to share information on our efforts as well as on some recent innovations in whole-of-government collaboration.

This collaboration reflects the call to action President Obama issued last September. Speaking about modern slavery to the Clinton Global Initiative meeting in New York, he underscored America's commitment to meeting this challenge. He told the crowd gathered there that this issue "ought to concern every

person, because it is a debasement of our common humanity. It ought to concern every community, because it tears at our social fabric. It ought to concern every business, because it distorts markets. It ought to concern every nation, because it endangers public health and fuels violence and organized crime.”

So I’d like to touch on a few of the most recent steps the U.S. government has taken to move this effort forward, especially as they pertain to the protection of children from exploitation.

For the first time, we are working to develop a comprehensive strategic action plan to strengthen services for trafficking victims. This action plan will focus on all victims of trafficking, including Americans who have been exploited within our borders. It will bring to bear the resources of all parts of government—not just the federal government, but also leaders and law enforcement at the state and local levels.

A major component of this plan will be enhanced training for the officials most likely to come in contact with trafficking victims—police, immigration and other law enforcement officials, prosecutors, immigration judges, transportation officials, and state and local authorities. Through training, our partners across

government will be better equipped to know trafficking when they see it, and understand what support and services victims need.

Now, this action plan reaffirms a central point of our approach to fighting trafficking: government is primarily responsible for responding to this crime. But we also realize that governments will never be able to fully deal with this problem on their own.

That's why another part of our new action plan expands our partnerships with civil society and the private sector. We're working with a key NGO and a major foundation to launch a \$6 million innovation award program. Through this effort, we're challenging local communities to develop collaborative and comprehensive solutions for providing services to trafficking victims.

We're also working with a major university and a foundation to promote research focused on the prevention of child sex trafficking and treatment for survivors.

And we're ramping up our engagement with the faith- and community-based groups on this issue. The President's Advisory Council on Faith-based and

Neighborhood Partnerships has put modern slavery at the forefront of its work, and the council is working to bring more stakeholders to the table.

We view partnerships as so important because our partners are the women and men on the front lines of this struggle. They are the people working day after day with survivors. They understand the needs of survivors, some of whom are survivors themselves, and they know what works best. We rely on the expertise of NGOs, advocates, and activists to help make our government response stronger and more effective.

And so while we'll continue to press forward with what we know works, we'll also look to our partners inside and outside government to develop new practices and innovations. During the course of the morning, my colleagues will provide more specifics about what we're doing and answer any questions you may have. Thank you.

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